

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID BECK,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No.: C-05-2131 PVT

**ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED
FOR FAILURE TO PROSECUTE**

Plaintiff filed the Complaint in this matter on May 24, 2005. On June 2, 2005, the court granted Plaintiff's Motion for Leave to Proceed *In Forma Pauperis*. On October 17, 2005, Defendant filed an Answer to the Complaint in this matter.¹ Civil Local Rule 16-5 states: "Within 30 days of receipt of defendant's answer, plaintiff must file a motion for summary judgment pursuant to Civil L.R. 7-2 and FRCivP 56." As of the date of this Order, Plaintiff has not filed a Motion for Summary Judgment. In fact, Plaintiff has not filed anything since May 24, 2005.

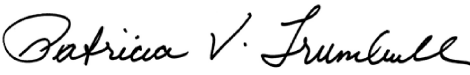
Based on the court's review of the file in this matter,

IT IS HEREBY ORDERED that, no later than June 30, 2006, Plaintiff file a declaration

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 showing cause why this action should not be dismissed for failure to prosecute.

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3 Dated: June 9, 2006

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5 PATRICIA V. TRUMBULL
6 United States Magistrate Judge
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